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## **South Florida Water Management District**

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### **MINUTES GOVERNING BOARD WORKSHOP**

June 11, 2008

1:00 PM

Edison College, Taeni Hall, Building S, Rooms 106 & 107  
8099 College Parkway  
Fort Myers, Florida 33919

**Members Present:**

**Eric Buermann, Chair**

**Shannon Estenoz**

**Patrick Rooney**

**Michael Collins**

**Melissa Meeker**

**Malcolm Wade**

**Charles Dauray**

**Jerry Montgomery**

**Members Absent:**

**Paul C. Huck Jr.**

1. **Call to Order** - Eric Buermann, Chairman, Governing Board

Chair Buermann called the meeting to order at 1:00 pm.

2. **Pledge of Allegiance** - Eric Buermann, Chairman, Governing Board

Ms. Meeker led the group in the Pledge of Allegiance.

3. **Approval of Minutes** - Eric Buermann, Chairman, Governing Board

Approval of the: May 12, 2008, Joint Workshop meeting minutes with Broward County Commission and Municipal Mayors; May 14, 2008, Workshop meeting minutes held in Sebring, Florida; and May 15, 2008, Business meeting minutes held in West Palm Beach, Florida.

Motion made by Michael Collins, seconded by Melissa Meeker to Approve the following item(s): 3

Vote called. Voting yes: Michael Collins, Melissa Meeker, Eric Buermann, Charles Dauray, Shannon Estenoz, Patrick Rooney, Malcolm Wade. Not present: Jerry Montgomery. Motion passed.

4. **Agenda Addendum** - Annette Carter, Director, Office of Governing Board and Executive Services

Annette Carter, Director, Office of Governing Board and Executive Services announced there were no changes to the agenda.

**5. Abstentions by Board Members from items on the Workshop Agenda**

There were no abstentions by Board members.

**6. Pull Items for Discussion from Consent Agenda**

Ms. Estenoz pulled Agenda Item 13 from the Consent Agenda to the Discussion Agenda.

**7. Local Government Presentations** - Introductions by Charles Dauray, Governing Board Member, and Phil Flood, Director, Lower West Coast Service Area

- Kenneth P. Walker, President Edison College
- Ray Judah, Chairman, Lee County Commission
- Dr. Bill Hammond, Vice-Chairman, CREW Land and Water Trust
- Charles Pavlos, Public Works Director, City of Cape Coral
- Wayne O'Neal, County Administrator, Hendry County

Mr. Dauray welcomed everyone to the meeting and introduced the Governing Board members.

Phil Flood, Lower West Coast Service Center Director, provided an overview of the Lee and Hendry County alternative water supply projects, regulatory functions and water quality initiatives. Mr. Flood also provided information on the Caloosahatchee River Watershed Protection Plan.

Dr. Robert Jones, Edison College Campus President, welcomed everyone to Edison College.

Ray Judah, Chairman, Lee County Commission, thanked the Board for having the Governing Board meeting in Lee County. He reported on water conservation, Lee County's I-75 widening culverts, water quality monitoring initiatives and alternative water supplies.

Dr. Bill Hammond, Vice-Chairman, CREW Land and Water Trust, presented information on the Corkscrew Regional Ecosystem Watershed (CREW) Trust initiatives.

George Reilly, Director of Utilities for Cape Coral, presented background information on the City of Cape Coral's population growth, and the City's Facilities Expansion Program (FEP) for alternative water supply projects.

Wayne O'Neill, County Administrator, Hendry County, thanked the Board, Ms. Wehle and staff for their partnership with Hendry County.

Public Comment: Bill Gross, Alva Inc., commented on the recent blue/green algae bloom in Lee County.

**8. Water Resources Advisory Commission (WRAC) Report - Mike Collins, Chair**

Mr. Collins requested Board approval of the WRAC reported and Mr. Dauray's appointment of Dr. Bill Hammond to WRAC and Peter Quasius as his alternate.

Ms. Estenoz reported on the WRAC meeting held on June 5, 2008.

Beverly Brady, WRAC member, presented the WRAC Report to the Governing Board held on June 5, 2008 in Hollywood, Florida. Ms. Brady reported on the WRAC action items.

Motion made by Shannon Estenoz, seconded by Malcolm Wade to Approve the following item(s): 8

Vote called. Voting yes: Shannon Estenoz, Malcolm Wade, Eric Buermann, Michael Collins, Charles Dauray, Melissa Meeker, Jerry Montgomery, Patrick Rooney. Motion passed.

## **Water Resources**

### **9. Overview of Lake Okeechobee Regulation Schedule - Kim Taplin, West Palm Beach Deputy Program Manager for Restoration, Army Corp of Engineers**

Kim Taplin, West Palm Beach Duputy Program Manager for Restoration, Army Corp of Engineers, provided introductory information of the 2008 Lake Okeechobee Regulation Schedule (LORS).

John Zediak, Chief, Water Management Section, presented information on water management considerations:

- Herbert Hoover Dike
- Lake Ecology
- Waterway Navigation
- Caloosahatchee and St. Lucie Estuaries
- Greater Everglades
- Water Supply

Mr. Zediak reported on the 2008 Lake Okeechobee Regulation Schedule:

- Allows operational flexibility for public health and safety and authorized project purposes.
- Provides for use of long-term, low-volume releases to the estuaries.
- Includes SFWMD Water Shortage Management Plan.
- Provides releases to be used by the SFWMD to store on SFWMD lands.

Luis Alejandro, Hydraulic Engineer, presented information on the water releases in Lake Okeechobee, the allowable releases to the Water Conservation Areas, and the allowable releases to tide (estuaries).

Ms. Meeker commented on the integrity of the Herbert Hoover Dike, releases to tide, and the Lake Okeechobee Regulation Schedule.

Mr. Zediak confirmed that this is a temporary schedule.

Mr. Collins commented on flexibility and deviation of the Regulation Schedule as infrastructure changes.

Mr. Wade commented on the repair of the Herbert Hoover Dike and the funding for the repairs.

Mr. Dauray commented on the excess waterflow to the estuaries.

**10. Analysis of the Effects of the New Lake Okeechobee Regulation Schedule (LORS2008) on the Performance of the Lake Okeechobee Technical Plan (LOTP) - Calvin Neidrauer, Chief Engineer, Operations and Control Department, Operations and Maintenance**

Cal Neidrauer, Chief Engineer, Operations and Control Department, presented information on analysis of the effects of the New LORS on the performance of the Northern Everglades Lake Okeechobee Technical Plan (LOTP).

Mr. Neidrauer reported on the stakeholders concerns and responses about effects on water supply and discharges to the estuaries. Mr. Neidrauer reported on the results of the analysis:

- Results were presented to WRAC in April 08.
- Findings showed LOTP w/ LORS worsens water supply performance and reduces utility of C43 and C44 reservoirs as compared to LOTP w/ Water Supply & Environment (WSE).
- Potential for underestimating additional storage needs if LORS-08 scheduled is assumed in RWPP modeling.
- Analysis confirmed the necessity of revising the Lake Okeechobee Regulation Schedule once regional storage is available in order to take advantage/optimize use of storage and maximize benefits to all system components including Lake Okeechobee water levels, estuary discharges and water supply.

Mr. Wade commented on revisions to the schedule when projects become operational.

**11. Overview of Chapter 373, Florida Statutes (Continued), Consumptive Use Permitting - Beth Ross, Sr. Specialist Attorney, Office of Counsel**

Beth Ross, Sr. Specialist Attorney, Office of Counsel presented an overview of Chapter 373, Consumptive Use Permitting.

Ms. Ross reported on historical perspective on water law in the United States and the major principles and tools in Florida Water Law.

Ms. Ross reported on the three prong test for consumptive use permits and provided information on reservations.

Mr. Collins commented on western law, Everglades Restoration, water supply and making decisions for public interests.

There was Board discussion on the three prong test and renewal of consumptive use permits.

**12. Update on Rule Development for Chapter 40E-24, F.A.C., Mandatory Year-Round Landscape Irrigation Measures, and the Initiation of Rule Development to Amend Chapters 40E-2, 40E-20, F.A.C., and the Basis of Review for Water Use Applications to create a General Permit by Rule for Outdoor Residential Consumptive Use of Water - Terrie Bates, Assistant Deputy Executive Director, Water Resources Management**

Terrie Bates, Assistant Deputy Executive Director, Water Resources, presented information on the proposed rule on alternative water supply, reclaimed water, supplemented reclaimed water, and a summary of public comments pertaining to these issues.

Ms. Bates reported on staff's recommendation for landscape irrigation for alternative water sources and use of supplemental reclaimed water. Ms. Bates also reported on the economic impact statement for the proposed rule, and the preparation of a "Statement of Estimated Regulatory Costs".

Mr. Dauray provided comment on consistent permit regulations and enforcement.

Staff's recommendation for Board discussion:

- Include 3 days a week irrigation flexibility for utilities with 40 percent or greater alternative water supplies.
- Include supplemented reclaimed water in provisions for 7 days per week irrigation.
- Replace exemption for domestic outdoor water use with no notice general permit.

There was Board discussion on percentage rate incentives being low for alternative water supplies.

Mr. Merriam provided additional information regarding the percentage rate incentives for alternative water supplies.

Margorie Craig, Director, Water Supply Department, presented information on the utility rate and fee setting practices. Ms. Craig also reported on the factors that influence the utility rates.

Public Comment: Mayor Karen Golonka, Town of Jupiter, commented on municipal budget reductions and water restrictions.

Public Comment: Jim Kuretski, Town of Jupiter, commented on permanent water use restrictions.

**13. Update on Water Conservation Program** - Chip Merriam, Deputy Executive Director, Water Resources Management, and Deena Reppen, Deputy Executive Director, Government and Public Affairs

Deena Reppen, Deputy Executive Director, Government and Public Affairs, presented an update on the Water Conservation Program. Ms. Reppen reported on the stakeholder's meetings, the goals for the comprehensive water conservation program, and the program initiatives (regulatory, voluntary and incentive-based, education and marketing).

Ms. Reppen reported on the initial steps for the Water Conservation Program:

- Establish a baseline for water use.
- Determine a 10-year goal.
- Implement short-term strategies.
- Measure the progress.
- Review and adapt the program.

Mr. Dauray commended staff for their hard work on this program. Mr. Dauray supports water conservation education outreach.

Mr. Collins provided comment on the District's budget, full-time employees, and the length of time to implement this program.

Mr. Buermann had concerns about the cost of this program.

Ms. Wehle reported on the full-time employees and funding for education programs.

Ms. Meeker requested more budget information for this program at the next Board meeting.

Ms. Estenoz provided comment on the 15 percent reduction goal of water use.

Public Comment: Jack Tanner, citizen, opposes funding for mobile irrigation labs.

#### **Everglades Restoration Resources**

- 14. Everglades Restoration Update** - Tommy Strowd, Assistant Deputy Executive Director, Everglades Restoration Resources

This item was deferred until June 12th.

- 15. Southern Corkscrew Regional Ecosystem Watershed Footprint Change** - Dewey Worth, Director, Southern Everglades Restoration Division

Dewey Worth, Director, Southern Everglades Restoration Division, presented information on Southern Corkscrew Regional Ecosystem Watershed Footprint Change.

Mr. Dauray commented on panther habitat in this area and discussed the southern half of CREW Section 34.

Mr. Collins also discussed the southern half of CREW Section 34.

Ms. Estenoz commented on panther habitat and does not support decreasing the amount of habitat land.

Ms. Meeker commented on sheetflow, changing the footprint and the flexibility of swapping the land.

Mr. Strowd reported staff will go to the agencies to discuss modifying the footprint and will bring a formal proposal back to the Board for consideration.

Public Comment: Don DeBerry, Lee County, commented on a revised footprint and said Lee County would consider acquiring or swapping out the land.

Public Comment: Jacquie Weisblum, Audubon of Florida, requested CREW Section 34 be retained by the District.

## **16. Adjourn**

Chair Buermann adjourned the meeting at 6:05 pm.

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Eric Buermann  
Governing Board Chairman  
South Florida Water Management District Governing Board

Recorded By:

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Cathy Widness  
Administrative Assistant Senior  
Governing Board and Executive Services  
SFWMD